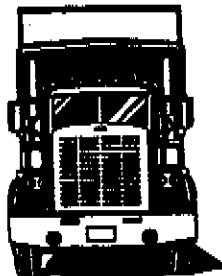


HHW



# DUFFY TRUCKING

FILED

3-28-2008  
MAR 28 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

08cv1372

MARCH 25, 2008

CARMELL CHARONE WIDMER MOSS & BARR  
230 W. MONROE ST. SUITE 1900  
CHICAGO, IL 60606

WILLIAM A WIDMER III  
MARTIN P BARR

DEAR SIRS

AS FOR CASE #08CV1372 PAYMENTS HAVE BEEN  
MADE TOWARDS THE CHAUFFEURS, TEAMSTER & HELPERS  
LOCAL UNION NO 301 HEALTH & WELFARE FUND.  
ON FEBRUARY 6th 2008 CHECK #5816 WAS CASHED FOR  
THE NOVEMBER 2007 CONTRIBUTION, ON MARCH 19, 2008  
CHECK#5873 WAS CASHED FOR THE DECEMBER 2007  
CONTRIBUTION AND ON MARCH 25, 2008 WE SENT CHECK  
#5896 TOWARDS THE JANUARY 2008 CONTRIBUTION. WE  
WILL BE PAYING THE LIQUIDATED DAMAGES FOR THESE  
PAST MONTHS ON THURSDAY MARCH 27, 2008. IF THERE  
IS ANYTHING ELSE I NEED TO DO PLEASE LET US KNOW.

SINCERELY,

MICHAEL DUFFY  
DUFFY TRUCKING LLC

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF ILLINOIS**

**SUMMONS IN A CIVIL CASE**

Michael Haffner, as Trustee of the Chauffeurs, Teamsters & Helpers Local Union No. 301 Health & Welfare Fund,  
 Plaintiff,

CASE NUMBER: 08 cv 1372

V.

Duffy Trucking, L.L.C.,  
 Defendant.

ASSIGNED JUDGE:

DESIGNATED  
 MAGISTRATE JUDGE:

TO: (Name and address of Defendant)

Duffy Trucking, L.L.C.  
 c/o Harry P. Stinespring, III, Registered Agent  
 910 E. Oak St.  
 Lake In The Hills, IL 60156

CK # 5816  
 NOV-Pd 2-6  
 CK # 5816  
 DEC-Pd 3-19  
 CK # 5816  
 JAN-Pd 3-25  
 CK # 5896

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

William A. Widmer, III  
 Martin P. Barr  
 Carmell Charone Widmer Moss & Barr  
 230 West Monroe St., Suite 1900  
 Chicago, IL 60606  
 (312) 236-8033

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an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MICHAEL W. DOBBINS, CLERK

Esperanza Arnold  
 (By) DEPUTY CLERK

MAR 07 2008

DATE

MARCH 7, 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURTIN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

08 C 1372

MICHAEL HAFFNER, as Trustee of the )  
CHAUFFEURS, TEAMSTERS & HELPERS )  
LOCAL UNION NO. 301 HEALTH & )  
WELFARE FUND, ) Case No.  
)  
)  
Plaintiff, )  
)  
v. )  
)  
DUFFY TRUCKING, L.L.C., )  
)  
Defendant. )

JUDGE COAR  
MAGISTRATE JUDGE MASONCOMPLAINT

1. This is an action pursuant to Section 502(a)(3) of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1132(a)(3) to collect delinquent employee benefit fund contributions.

Parties

2. The Chauffeurs, Teamsters & Helpers Local Union No. 301 Health & Welfare Fund ("Fund") is an employee benefit trust and plan within the meaning of Section 3(3) of ERISA, 29 U.S.C. § 1002(3).

3. Plaintiff Michael Haffner is a fiduciary and trustee of the Health & Welfare Fund. Section 502(a)(3) of ERISA, 29 U.S.C. § 1132(a)(3), provides that a fiduciary of an employee benefit plan is authorized to commence a civil action to enforce the obligations which ERISA imposes upon employers.

4. Defendant Duffy Trucking, L.L.C. ("Duffy Trucking") is an Illinois corporation conducting business within this judicial district. Duffy Trucking also is an "employer" as

defined by Section 3(5) of ERISA, 29 U.S.C. § 1002(5).

*Jurisdiction and Venue*

5. This Court has subject matter jurisdiction pursuant to 29 U.S.C. § 1132(e)(1).
6. Venue in this Court is conferred by 29 U.S.C. § 1132(e)(2), as this judicial district is where the Fund is administered and where the events underlying this complaint occurred.

*Specific Allegations*

7. Duffy Trucking and Teamsters Local 301 are parties to a collective bargaining agreement effective May 1, 2000 ("Agreement"). A copy of the relevant provisions of the Agreement is attached as Exhibit 1. Duffy Trucking's certification with respect to the employer monthly remittance report for November 2007 and the Report are attached as Exhibit 2.

8. The Agreement obligates Duffy Trucking to make timely contributions to the Fund on behalf of individuals performing work covered by the Agreement.

9. Although individuals did engage in covered work on Duffy Trucking's behalf for the months of November 2007, December 2007, and January 2008, Duffy Trucking has failed to pay contributions owed to the Health and Welfare Fund for those months or made late contributions and owes the Health and Welfare Fund \$1,872.00 plus liquidated damages for those months.

10. Pursuant to the Agreement, the Fund's trust agreement (incorporated by reference in the Agreement), and 29 U.S.C. §1132(g)(2), the Fund is entitled to the unpaid contributions as well as liquidated damages in the amount of \$270.40 and interest for the months specified in paragraph 9 above.

11. Pursuant to the Fund's trust agreement and 29 U.S.C. §1132(g)(2)(C), the Fund is also entitled to recover its attorneys' fees and costs due to Duffy Trucking's failure to pay the

contributions due and owing the Fund.

WHEREFORE, Plaintiff requests that the Court issue an order against Defendant Duffy Trucking granting the following relief:

- A. a judgment on behalf of the Health & Welfare Fund for the delinquent contributions of \$1,872.00 and liquidated damages of \$270.40 owed pursuant to the Agreement and trust agreement for the period of time from months November 2007, December 2007 and January 2008, and for such amounts as become due during the pendency of this proceeding;
- B. a judgment on behalf of Plaintiff finding Duffy Trucking liable for interest on the delinquent contributions pursuant to 29 U.S.C. Section 1132(g)(2)(B);
- C. a judgment on behalf of Plaintiff for reasonable attorneys' fees and costs incurred by the Fund in bringing this action;
- D. such other and further relief as by the Court may be deemed just and equitable.

Respectfully submitted,

s/ William A. Widmer, III  
William A. Widmer, III

s/ Martin P. Barr  
Martin P. Barr  
Attorneys for Plaintiffs

CARMELL CHARONE WIDMER  
MOSS & BARR  
230 West Monroe, Suite 1900  
Chicago, Illinois 60606  
(312) 236-8033

Dated: March 7, 2008